

Remarks

The Examiner rejected claims 1–40. Claims 1, 9, 11, 21, 29, 32, and 37 have been amended. Claims 1–40 remain in the application.

The Examiner rejected: (i) claims 1, 2, 5, 7–9, 11, 15–18, 20–22, 24–27, 29–37, 39, and 40 under 35 U.S.C. §103(a) as being unpatentable over US 3,921,789 (Goldinger) in view of US 4,231,469 (Arscott); (ii) claims 3, 4, 12–14, and 28 under 35 U.S.C. §103(a) as being unpatentable over Goldinger in view of Arscott and further in view of US 4,598,815 (Adama); and (iii) claims 10, 19, 23, and 38 under 35 U.S.C. §103(a) as being unpatentable over Goldinger in view of Arscott and further in view of US 5,984,078 (Bonnet).

Independent claims 1, 11, 21, 29, 32, and 37 have been amended to clarify that conveyed articles, whether diverted from or continuing along a main conveying path, are supported atop rollers on a belt intersecting and passing through the main conveying path. The claimed conveyor system generally has a main conveying path intersected by a cross conveyor passing through. The cross conveyor includes a roller-top belt having rollers that rotate on axes perpendicular to the main conveying path. This allows articles destined to continue along the main conveying path to ride across the roller-top belt atop its freely rotating rollers and the rest of the articles to be diverted to one side or the other, supported atop the rollers of the roller-top belt advancing in either direction. Paragraph [19] of the specification supports the amendment. No new matter is added by the amendments.

MPEP § 2142 provides: “[A] prior art reference [used to establish a *prima facie* case of obviousness] … must teach or suggest all the claim limitations.” “The mere absence of an explicit requirement [of a claim] cannot reasonably be construed as an affirmative statement that [the requirement is in the reference].” *In re Evanega*, 4 USPQ2d 1249 (Fed. Cir. 1987). Contrary

to the Examiner's position that the combination of Goldinger and Arscott discloses all the limitations of the claims, the combination does not disclose, among other things, a main conveyor and a cross conveyor intersecting and passing through the main conveyor to divert conveyed articles from the main conveyor to either side, in which: (a) the cross conveyor includes a roller-top conveyor belt whose rollers are arranged to rotate on axes generally perpendicular to the intersected conveying path along the main conveyor; or (b) conveyed articles, whether diverted or allowed to pass through along the main conveying path, are supported atop the rollers in the roller-top belt. In Goldinger, glass sheets passing through a transfer unit (10) from an upstream (11) to a downstream (12) main line conveyor ride on an upper (23) or a lower (25) set of rollers rotating on driven shafts. The transfer unit can divert glass sheets in the lower section by lowering the lower set of rollers below the level of transversely extending take-off belts (33), which receive the product and convey it to the side to a branch line conveyor (13). So, in Goldinger, articles conveyed along the main line ride atop the rollers and articles diverted to the side are conveyed atop the take-off belts. If one or more roller-top belt as in FIGS. 5 and 6 of Arscott were used in the device of Goldinger, which the Examiner suggests, they would presumably be used in place of the take-off belts (33). If so, the rollers on the belt would be mounted on axles perpendicular to the main line and parallel to the shafts of the original Goldinger rollers. But belt rollers so oriented would serve no useful purpose in the Goldinger device because the lower set (25) of rollers is already arranged in the direction to drive the glass sheets along the main line and their orientation offers no advantage to diverting the glass sheets from the main line. In fact, Goldinger teaches away from orienting rollers as in FIGS. 5 and 6 of Arscott at column 4, lines 3–5 by suggesting that, if powered wheels were used to replace the flat belt (33), the wheels would be "oriented transverse to rollers (25)," which is

perpendicular to the orientation achieved by combining Arscott with Goldinger as the Examiner suggests. Thus, because the combination of Goldinger and Arscott does not include all the limitations of the claims and Goldinger, in fact, teaches away from the suggested combination, the §103(a) rejection is unsupported by the art and should be withdrawn.

Because the deficiencies of the Goldinger-Arscott combination are not cured by either Adama or Bonnet, the rejection of dependent claims 3, 4, 10, 12–14, 19, 23, 28, and 38 should likewise be withdrawn.

Claim 9 has been amended to correct references to antecedents in its base claim 1.

Applicant respectfully requests reconsideration of the rejection of the claims in view of these remarks and allowance of all the claims in the application.

This amendment is being sent within three months of the Office Action so no extension of time petition fee should be due. Any other fees considered necessary for consideration of this response may be charged to Deposit Account No. 12-0090. If the Examiner thinks a telephone conference would expedite the prosecution of this application, he is invited to call the undersigned attorney.

Respectfully submitted,
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